



IDAHO WATER RESOURCE BOARD

MEETING MINUTES 1-14

C.L. "Butch" Otter
Governor

Idaho Water Center
Conference Rooms 602 B, C, and D
322 East Front Street, PO Box 83720, Boise, Idaho 83720

Roger W. Chase
Chairman
Pocatello
District 4

January 23, 2014
Work Session

Peter Van Der Meulen
Vice-Chairman
Hailey
At Large

Bob Graham
Secretary
Bonners Ferry
District 1

Charles "Chuck" Cuddy
Orofino
At Large

Vince Alberdi
Kimberly
At Large

Jeff Raybould
St. Anthony
At Large

Albert Barker
Boise
District 2

John "Bert" Stevenson
Rupert
District 3

Chairman Roger Chase called the meeting to order at approximately 1:30 pm. Pete Van Der Meulen and Albert Barker were absent. All other Board members were present.

During the Work Session the following items were discussed:

- Western States Water Council Sustainability Presentation by Tony Willardson
- Reasonably Anticipated Future Needs Water Rights Presentation by Mat Weaver
- At approximately 4:15 pm the Board resolved into Executive Session by unanimous consent pursuant to Idaho Code Section 67-2345 (1) subsections (c) and (f), for the purposes of considering the acquisition of an interest in real property not presently owned by a public agency and to communicate with legal counsel regarding legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. No action was taken by the Board during the Executive Session. The Board resolved out of Executive Session and into Regular Session at approximately 5:30 am.

No action was taken by the Board during the Work Session.

January 24, 2013
IWRB Meeting

Chairman Roger Chase called the meeting to order at approximately 8:30 am. Pete Van Der Meulen and Albert Barker were absent. All other Board members were present.

Agenda Item No. 1, Roll Call

Board Members Present

Roger Chase, Chairman
Bob Graham, Secretary
Vince Alberdi

Jeff Raybould
Chuck Cuddy
Bert Stevenson

Staff Members Present

Gary Spackman, Director
Brian Patton, Planning Bureau Chief
Harriet Hensley, Deputy Attorney General
John Homan, Deputy Attorney General
Neal Farmer, Project Coordinator
Neeley Miller, Water Resource Planner
Mandi Pearson, Administrative Assistant

Mat Weaver, Deputy Director
Helen Harrington, Planning Section Manager
Clive Strong, Deputy Attorney General
Michael McVay, Hydrologist
Cynthia Bridge Clark, Engineer
Alison Burnop, Hydrologist

Guests Present

Walt Poole, Idaho Fish and Game
Stan Clark, Idaho Water Engineering
Jon Bowling, Idaho Power
Ron Carlson, Recharge Development Corp
Liz Paul, Idaho Rivers United
Linda Jones, Holland & Hart
Sarah Lien, Friends of the Teton River
Bob Barber, Weiser
Bruce Sandoval, USDA-NRCS

Peter Anderson, Trout Unlimited
Bryce Contor, Rocky Mountain Environmental Assoc.
Chris Pratt, Recharge Development Corporation
Hal Anderson, Idaho Water Engineering
Gayle Buhner-Poorman, Friends of the Weiser River Trail
Bob Lorkowski, LSRARD
John J. Williams, Bonneville Power Administration
Mark Mendenhall, US Army Corps of Engineers
Peter Anderson, Trout Unlimited

Agenda Item No. 2, Agenda and Approval of Minutes

There were no additions or deletions from the agenda. Mr. Stevenson made a motion that the minutes for meeting 11-13 be approved as printed. Mr. Cuddy seconded the motion. Voice Vote. All were in favor. Motion passed.

Agenda Item No. 3, Public Comment

Chairman Chase opened up the meeting for public comment. Mr. Chris Pratt introduced the Recharge Development Corporation (RDC) and described the background and positions of the RDC, including Purposes of RDC, Justification for the RDC Initiative, Water Resource Sustainability, and Public/Private Partnerships to Achieve Water Management Objectives.

Liz Paul of Idaho Rivers United addressed the Board. Ms. Paul discussed Idaho Rivers United opposition to new reservoir storage. Ms. Paul advocated for improved water efficiency and the completion of comprehensive basin plans to address concerns for future water supplies. Mr. Raybould asked Ms. Paul how she would propose to deal with flood control in the Boise basin. Ms. Paul suggested partnerships between federal, state, and local entities, and discussed some of the options for flood control. Mr. Cuddy commented on Idaho dams that were built for flood control in Portland, Oregon.

Ms. Gayle Buhner-Poorman addressed the Board on behalf of the Friends of the Weiser River Trail (FWRT). She discussed the FWRT Board of Directors' firm stand on the Weiser-Galloway Dam proposal and discussed the obstacles before the project. There was discussion among the parties regarding the Union-Pacific rail corridor.

Mr. John J. Williams of Bonneville Power Administration addressed the Board. He updated the Board on work done under the Biological Opinion developed by NOAA fisheries. He also updated the Board on the negotiations regarding the Columbia River Treaty. There was further discussion among the parties regarding the Columbia River Treat.

Mr. Bob Barber, a citizen of Weiser, addressed the Board regarding the Weiser-Galloway Dam studies. He expressed appreciation and support of the continued studies. He asked that the Board expand the scope of the studies to include basin studies of other potential sites in the basin.

Mr. Dave Tuthill of Idaho Water Engineering discussed the importance of recharging ground water and managed ground water recharge legislation. There was discussion among the parties regarding the legislation.

Agenda Item No. 4, Hearing Officer Appointment

Mr. Patton discussed the need to appoint a hearing officer to review the decision of the Director to reject an application for permit to alter a stream channel. Staff recommends the Board adopt a Resolution appointing Mathew Weaver as the hearing officer in this matter.

Mr. Raybould moved to adopt the resolution to appoint Mat Weaver as the hearing officer in this matter. Mr. Cuddy seconded the motion. There was discussion regarding the statutes that allow an applicant the opportunity for a hearing before the Board. There was also discussion regarding a possible conflict for the hearing officer. Mr. Patton noted that the date on the resolution needed to be corrected. Voice Vote. All were in favor. Motion passed.

Agenda Item No. 5, Financial Program

a. Status Update *(Brian Patton, Staff)*

As of November 1st, the Board has about \$17.7 million committed but not disbursed, about \$16 million total loan principal outstanding, and an available balance of about \$5 million dollars. There was discussion among the parties regarding the Board's current interest rates.

b. Annual Financial Report *(Brian Patton, Staff)*

Mr. Patton discussed the FY2013 Annual Financial Report before the Board. With the Board's approval, it will be submitted to the Governor and the Legislature. Mr. Raybould moved to approve the FY2013 Annual Financial Report. Mr. Graham seconded the motion. Voice Vote. All were in favor. Motion passed.

c. South Liberty Irrigation Company *(Brian Patton, Staff)*

Mr. Patton discussed the South Liberty Irrigation Company's request of \$5000 for the unforeseen need to create the Franklin County Local Improvement District No. 2010-2 as part of the process to issue the Water Resource Pooled Loan Program Revenue Bond.

Mr. Stevenson made a motion to approve the resolution in the matter of South Liberty Irrigation Company. Mr. Alberdi seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Graham: Nay; Mr. Barker: Absent; Chairman Chase: Aye. Motion passed.

Agenda Item No. 6, Water Transactions

a. Morgan Creek *(Helen Harrington, Staff)*

Ms. Harrington discussed the 2014 Morgan Creek transaction. This transaction is in the Upper Salmon Basin. Morgan, Creek, a tributary to the Salmon River near Challis, is important for the spawning, migration and rearing of ESA-listed steelhead and bull trout. It also supports the rearing of ESA-listed juvenile Chinook salmon. Morgan Creek typically becomes dewatered below the lowest two diversions during the irrigation season, blocking access to those fish species. Board staff is working with Upper Salmon Basin partners to develop transactions that can complement projects addressing all limiting factors while maintaining the local economy. The water users have expressed a willingness to develop another long-term flow restoration transaction and have agreed to enter into a one-year agreement not to divert while those discussions are underway. This would be an extension of the previous 5-year agreement. The maximum payment is based upon a five percent increase from the 2013

payment, with the total not to exceed \$8000. On January 10, 2014 the IWRB Streamflow Enhancement and Minimum Streamflow Committee recommended this transaction be approved by the IWRB.

There was discussion among the parties regarding monitoring results of the program. Mr. Graham made a motion to approve the resolution in the matter of the 2014 Morgan Creek Water Transaction. Mr. Alberdi seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Graham: Aye; Mr. Barker: Absent; Chairman Chase: Aye. Motion passed.

Ms. Harrington shared that IDWR recently hired a new staff member, Amy Cassel. She will be helping with the Idaho Water Transactions program, and will be located in Salmon, Idaho.

b. South Leigh Creek (*Sarah Lien, Friends of the Teton River*)

Ms. Lien discussed two proposed water transactions on South Leigh Creek. South Leigh Creek is a tributary to the Teton River located in the upper Teton Valley. The tributary offers excellent fish and wildlife habitat and supports a Yellowstone cutthroat trout (YCT) population. Currently, irrigation withdraws result in the annual dewatering of the stream, which restricts fish movement and migration, reduced valuable habitat, and elevates stream temperatures. Overall, the flow restoration strategy on South Leigh Creek aims to provide additional in stream habitat for native YCT, as flow is the primary limiting factor preventing development of a more robust YCT population in this tributary. The proposed transactions will help reach these goals. The first transaction is a proposed water donation agreement for a term of five years. The second transaction is a water use agreement for a term of one year. On January 10, 2014 the IWRB Streamflow Enhancement and Minimum Streamflow Committee recommended both of these transactions be approved by the IWRB. There was discussion among the parties regarding community participation, particularly from the agriculture community. There was also discussion among the parties regarding analysis on consumptive use and carriage value.

Mr. Graham moved to approve the resolution in the matter of the South Leigh Creek Water Donation Agreement. Mr. Raybould seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Graham: Aye; Mr. Barker: Absent; Chairman Chase: Aye. Motion passed.

Mr. Raybould moved to approve the resolution in the matter of the South Leigh Creek Water Use Agreement. Mr. Graham seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Graham: Aye; Mr. Barker: Absent; Chairman Chase: Aye. Motion passed.

Agenda Item No. 7, State Water Plan (*Helen Harrington, Staff*)

Ms. Harrington referred back to item 6a, specifically fish monitoring on Morgan Creek. Staff noted that Idaho Dept of Fish and Game has documented steelhead spawning in Morgan Creek.

Ms. Harrington discussed the proposed revisions to the Idaho State Water Plan adopted by the Board in 2012. The proposed revisions range from minor edits to more significant changes. The Water Resource Planning Committee met on December 12, 2013 to discuss a strategy for considering the proposed revisions and has recommended the following strategy: to review all of the revisions proposed by some members of the House Resources & Conservation Committee, and to categorize the proposed revisions into three categories: reviewed, no revision recommended; reviewed and revised; and referred for further review. Any amendments adopted by the Board would be published and public hearings would be held with opportunity for the submission of testimony and written comments. The Board will then determine whether any amendments should be revised and submit final amendments as a group to the legislature. The Committee will also be working on the Sustainability policy and it will be combined into one package. There was discussion among the parties regarding the options identified for the Committee's review of the proposed revisions. There was further discussion regarding the hearings

needed and the public comment period.

Agenda Item No. 8, Water District 02 WaterSMART Grant *(Neeley Miller, Staff)*

Mr. Neely Miller provided a status report on the WaterSMART grant. In 2013, the Board authorized application to the US Bureau of Reclamation (BOR) for a WaterSMART grant to assist with the installation of measuring devices and telemetry equipment for diversions in the newly created Water District 02 (WD02). In May 2013 the BOR announced that the Board's WaterSMART proposal for phase-one of the project would receive funding in the amount of \$151,425. Installation and calibration of equipment is on-going and will continue through spring/summer 2014.

The Dept and Board staff plans to work with the WD02 and BOR to submit one additional grant application (phase 2) in 2014 to address the remaining large diversions in the district. Similar to phase-one, the WaterSMART grant application for phase-two will require a 50+% match by the applicant. If the Board agrees to be the applicant the 50+% share of the cost will be carried by third party water users in WD02. The WaterSMART application is requesting approximately \$300,000 in federal cost share, with the balance of the costs to be provided by the water users in WD02.

Mr. Stevenson moved to approve the resolution in the matter of the WaterSMART application to BOR for measurement devices in WD02. Mr. Cuddy seconded the motion.

Roll Call Vote: Mr. Cuddy: Aye; Mr. Alberdi: Aye; Mr. Stevenson: Aye; Mr. Raybould: Aye; Mr. Van Der Meulen: Absent; Mr. Graham: Aye; Mr. Barker: Absent; Chairman Chase: Aye. Motion passed.

Agenda Item No. 9, ESPA Management

a. Update *(Mike McVay, Staff; Neal Farmer, Staff; Mat Weaver, Staff)*

Mr. McVay presented updated information about storage changes in the aquifer. He discussed the wells that were used to gather data. From 2008 to 2013 the aquifer lost about 250,000 acre-feet. In comparison, from 2001-2002 the aquifer lost almost 2 million acre-feet. There was discussion among the parties regarding the aquifer changes in specific areas. There was further discussion among the parties regarding the significance of the recent data.

Mr. Farmer provided a brief update on recent recharge activities. An aquifer pump test on a well at Lake Walcott resulted in 1 cfs water. The next step will be to drill deeper and test at a deeper zone. Continued discussions are ongoing with Northside Canal Company and Lower Snake River Aquifer Recharge District about enhancing and expanding recharge capabilities in their system. There was discussion among the parties regarding current and upcoming construction and maintenance on canals.

Mr. Weaver provided meeting notes from the last Upper Snake River Advisory Committee Meeting. A meeting will be scheduled in the near future. He noted that it would be a good opportunity for Board members to participate.

b. Request for Cloud Seeding Funding *(Dale Swenson, High Country Resource Conservation and Development Area, Inc)*

Mr. Swenson, on behalf of the High Country RC&D Board of Directors and Upper Snake River Cloud Seeding Project Steering Committee, thanked the Board for their support over the last two cloud seeding seasons. High Country RC&D is requesting that the Board consider ongoing funding for the Cloud Seeding Project. Mr. Swenson outlined two options for the Board to consider: 1) to donate \$20,000 each year to be used to cover project operation costs, information/education efforts, maintenance/replacement of existing equipment, and purchasing additional seeders, or 2) to cover 40% of the project costs not to exceed \$66,000 through the 2019-2020 winter cloud seeding season. There was discussion among the parties regarding how previous money was spent, a timeline for the Board's decision, additional information regarding the project, and alternative options. Chairman Chase suggested a sub-committee look further into the issue. Mr. Stevenson moved to establish a subcommittee too address cloud-seeding program funding. Mr. Cuddy seconded. Voice Vote. All were in favor.

Motion passed. Chairman Chase assigned Mr. Alberdi, Mr. Stevenson, Mr. Raybould, and Mr. Van Der Meulen to the subcommittee.

Agenda Item No. 10, IDWR Director's Report (*Gary Spackman, Director*)

Director Spackman discussed the possibility of a curtailment order this year. There was discussion among the parties regarding the impacted part of the State. The Director also discussed the status of the current recharge legislation. He expressed disappointment that participants in the development of the legislation withdrew their commitment. There was further discussion among the parties regarding this topic. The Director reported on recent releases of water from Palisades in comparison to releases from previous years. Releases this year are not consistent with past BOR operations. Director Spackman expressed concern that BOR has unnecessarily increased the risk that the reservoir system will not fill and that water stored for irrigation and other purposes will need to be released past Milner and wasted. Discussions with BOR regarding this issue are ongoing. Mr. Raybould expressed appreciation for the Director's efforts in this matter. There was discussion among the parties regarding this topic. Director Spackman presented an IDWR Annual Report for fiscal year 2013.

There was discussion among the parties regarding a possible curtailment this year, the staff needed to enforce the order, and the ability to alert water users who may be impacted by the order.

Agenda Item No. 11, Other Non-Action Items for Discussion

Mr. Graham discussed the importance of alerting water users of a possible curtailment this year. Mr. Alberdi expressed appreciation for the Chairman's presentations to the Legislature. He also suggested that the Board discuss topics that were brought up during the Public Comment period at the next Work Session. Chairman Chase also discussed getting handouts ahead of time if possible.

Agenda Item No. 12, Next Meetings and Adjourn

The next regularly scheduled meeting is set for March 20-21, 2014 in Boise. There was discussion among the parties regarding a possible March 19th tour of the Mountain Home Air Force Base, and possible committee meetings on March 20th before or after the Work Session. In May, a tour of Hells Canyon has tentatively been scheduled with Idaho Power. The tour would be May 14-15, 2014, with a Board Meeting in Boise on May 16th. The parties also discussed upcoming committee meeting dates. The Water Resource Planning Committee will be meeting on February 7, 2014 to discuss revisions to the State Water Plan, and again on February 26, 2014 to discuss a policy on sustainability. The Water Supply Bank Committee and the Finance Committee may also be meeting in the near future. Mr. Raybould made a motion to Adjourn, and Mr. Cuddy seconded the motion. Voice Vote. All were in favor. Motion Carried.

The IWRB Meeting 1-14 adjourned at approximately 12:30 pm.

Respectfully submitted this 21st day of March, 2014.



Bob Graham, Secretary



Mandi Pearson, Administrative Assistant II

Board Actions:

1. Mr. Stevenson made a motion that the minutes for meetings 11-13 be approved. Mr. Cuddy seconded the motion. Voice Vote. All were in favor. Motion passed.
2. Mr. Raybould moved to adopt the resolution to appoint Mr. Weaver as the hearing officer in the matter of the joint application for permit no. S-82-20044 to alter a stream channel. Mr. Cuddy seconded the motion. Voice Vote. All were in favor. Motion passed.
3. Mr. Raybould moved to approve the FY2013 Annual Financial Report. Mr. Graham seconded the motion. Voice Vote. All were in favor. Motion passed.
4. Mr. Stevenson made a motion to approve the resolution in the matter of South Liberty Irrigation Company. Mr. Alberdi seconded the motion. Roll Call Vote. 5 Ayes, 1 Nay, 2 Absent. Motion passed.
5. Mr. Graham made a motion to approve the resolution in the matter of the 2014 Morgan Creek Water Transaction. Mr. Alberdi seconded the motion. Roll Call Vote. 6 Ayes, 2 Absent. Motion passed.
6. Mr. Stevenson moved to establish a subcommittee to address cloud-seeding program funding. Mr. Cuddy seconded. Voice Vote. All were in favor. Motion passed.